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SH 2375947

C **Once (1) CD containing Homicide Interviews and Radio Transmission.**

D **One (1) DVD Containing Photographs of Crime Scene's One, Two, Three and Four, Suspect Clothing and Suspect Antonio Perez.**

E **Crime Scene Photographs, Aerial Photographs, and Google Street Map of crime scene containment.**

F **Copies of Certified Letter Receipts Mailed to Potential Witnesses**

MISCELLANEOUS DOCUMENTS

Administrative Rights/Force Shooting Investigation Form for Deputy Eric Espinoza

Administrative Rights/Force Shooting Investigation Form for Deputy Tom Spinks

Administrative Rights/Force Shooting Investigation Form for Deputy Brian Barre.

Administrative Rights/Force Shooting Investigation Form for Deputy James Wolfhope.

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
February 21, 2017	Century Sheriff's Station	[ ]	[x]

Incident Information

URN:	Date:	Time:
015-03426-2178-151	03/12/2015	1836

City or Station: Walnut Park

Location: [redacted] Flower Street, Walnut Park, Ca.

Nature of Incident: Two containment deputies went in foot pursuit of 10-29V/417 suspect. Suspect stopped suddenly and reached into his waistband, Deputy Espinoza fired three rounds at suspect.

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [x] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance:

Incident Type (*check one or more*):
- [ ] Accidental
- [ ] Armed Person
- [x] Fleeing Suspect
- [x] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [x] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [x] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Total # of Shots Fired by Deputy: 3

Total # of Shots Fired by Suspect: 0

Aero Unit? [x] **Canine Unit?** [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Spinks	Thomas	J.	[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
[redacted]	Barre	Brian	E.	[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
[redacted]	Wolfhope	James	R	[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Mosquera	John	C.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
[redacted]	Torres	Edmundo	F.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Gallegos	Clarence	G.

PSTD Use Only

SH # 2375947

Officer Involved Shooting

URN: 015-03426-2178-151

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/12/2015	2045	03/12/2015	

Employee #	Last Name	First Name	M.I.
[redacted]	Watters	Dennis	M.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Carter	Quitman	V.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
Espinoza	Perez	FH	BR	9	Y	Y	GS	AD
Espinoza	Perez	FH	BR	9	Y	Y	GS	BK
Espinoza	Perez	FH	BR	9	Y	Y	GS	SH

Officer Involved Shooting
Involved Employee Information

URN: 015-03426-2178-151

Page 3 of 5

Involved Employee

E 1

Employee # [redacted]	Last Name: Espinoza	First Name: Eric	M.I.: J.
Sex: M Race: H	Rank: Deputy	Unit Assignment: Century	Work Assignment (Unit #, Module, etc.): 213D
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☑	Coroner Case # 2015-01832 Interviewed? ☐
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5' 9"	Weight: 185		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Baretta	Caliber: 9mm # Shots: 3	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 015-03426-2178-151

Suspect Information

S 1

Last Name: Perez		First Name: Antonio	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 33 D.O.B. 06/10/1982	Height: Weight: 175	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☑	Coroner Case #: 2015-01832	Intoxication/Drug Usage? ☑	Substance Used: Meth/Cocaine
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction
Honda	Civic	2000	No	Yes	No

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Brewer	David	E.	Century Station, 11703 South Alameda, Lynwood	90262	(323)568-4800	
Rubio	Jesus	G.	Century Station, 11703 South Alameda, Lynwood	90262	(323)568-4800	



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

April 6, 2016

Captain Steve Katz
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 12, 2015, fatal shooting of Antonio Perez by Los Angeles County Sheriff's Department Deputy Eric Espinoza. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

JAMES GARRISON
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Eric Espinoza, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN STEVE KATZ
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

RE: Officer Involved Shooting
J.S.I.D. File #15-0127
L.A.S.D. File #015-03426-2178-013

DATE: April 6, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 12, 2015, fatal shooting of Antonio Perez by Los Angeles Sheriff's Department (LASD) Deputy Eric Espinoza. It is our conclusion that Deputy Espinoza acted in lawful self-defense and defense of others at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on March 12, 2015, at approximately 8:10 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by LASD Lieutenant David Coleman.

The following analysis is based on reports, audio recordings, and photographs submitted to our office by the LASD, Homicide Bureau. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On March 12, 2015 at approximately 6:12 p.m., LASD Century Station Deputies David Brewer and Jesus Rubio were traveling westbound on Walnut Street in the unincorporated area of Walnut Park. Brewer was the driver and Rubio was seated in the right front passenger seat of their marked patrol vehicle. As they proceeded westbound, they saw a green Honda Civic parked facing eastbound along the south curb line with two occupants, Antonio Perez and a woman, later identified as [redacted] Perez, the driver, made eye contact with Brewer and immediately pulled away from the curb. Perez drove the vehicle eastbound on Walnut Street and turned southbound on Pacific Boulevard, failing to stop for a stop sign.

Brewer turned his vehicle around, proceeded eastbound following Perez, and told his partner to run the license plate of the Honda.[1] As they turned southbound on Pacific, Perez turned

[1] Both Brewer and Rubio recognized Perez from previous contacts and Rubio believed that Perez did not have a valid driver's license. Perez was convicted of a violation of Vehicle Code section 12500, unlicensed driver, in

westbound on California Street and then southbound onto Sante Fe Avenue. As Brewer and Rubio traveled on California Street approaching Sante Fe Avenue, Brewer activated his vehicle's lights and siren. The deputies turned southbound onto Sante Fe Avenue and were unable to see the Honda.

The deputies turned right at the first opportunity and proceeded westbound in an alley which intersects with a north/south alley running between Sante Fe Avenue and Mabrisa Avenue. As the deputies passed the north/south alley, they looked north and saw the Honda parked mid-block in the alley. The deputies began to drive northbound in the alley. Simultaneously, their license plate query returned, indicating that the Honda was a stolen vehicle.

Brewer and Rubio parked their patrol vehicle, approached the Honda, and discovered that it was empty.[2] Several bystanders directed the deputies to the courtyard area of [redacted] Sante Fe Avenue, indicating that the suspect had run in that direction. Brewer and Rubio proceeded toward that location and informed dispatch that a stolen vehicle suspect had just run from their location. As Brewer and Rubio proceeded through the courtyard, bystanders directed the deputies eastbound across Sante Fe Avenue and then eastbound on Walnut Street. Brewer updated dispatch, indicating that the suspect was Antonio Perez and he was traveling eastbound on Walnut Street. Brewer saw Perez scale a wall to a building located on the corner of Walnut Street and Sante Fe Avenue and proceed southbound through the property towards California Avenue.

Additional deputies were called to the scene and established a perimeter to apprehend Perez and Destiney M. LASD Aero Bureau responded, provided air support, and assisted in coordinating the perimeter and search. As this was happening, [redacted] was interviewed by deputies.

[redacted] told the deputies that she heard a crash in the alley behind her residence.[3] She looked westbound and saw a Hispanic man followed by a Hispanic woman running eastbound towards her location. When the man was approximately five feet away, [redacted] saw the man pull a black handgun from the right side of his waistband. [redacted] in fear, covered her face with her arms until she heard footsteps running past her. She uncovered her face and saw the man running eastbound towards Sante Fe Avenue as the woman followed. The man was putting the gun back into the right side of his waistband. [redacted] described the man as 25-35 years old, weighing 160-200 pounds, and dressed in a white shirt and dark shorts.[4] Deputies immediately communicated over the radio that the "suspect is 417, black 417," indicating that Perez was armed with a black gun.

Perez fled southbound midblock through residences, traveling from Walnut Street, crossing California Street, and arriving on Live Oak Street. Aero Bureau deputies observed Perez

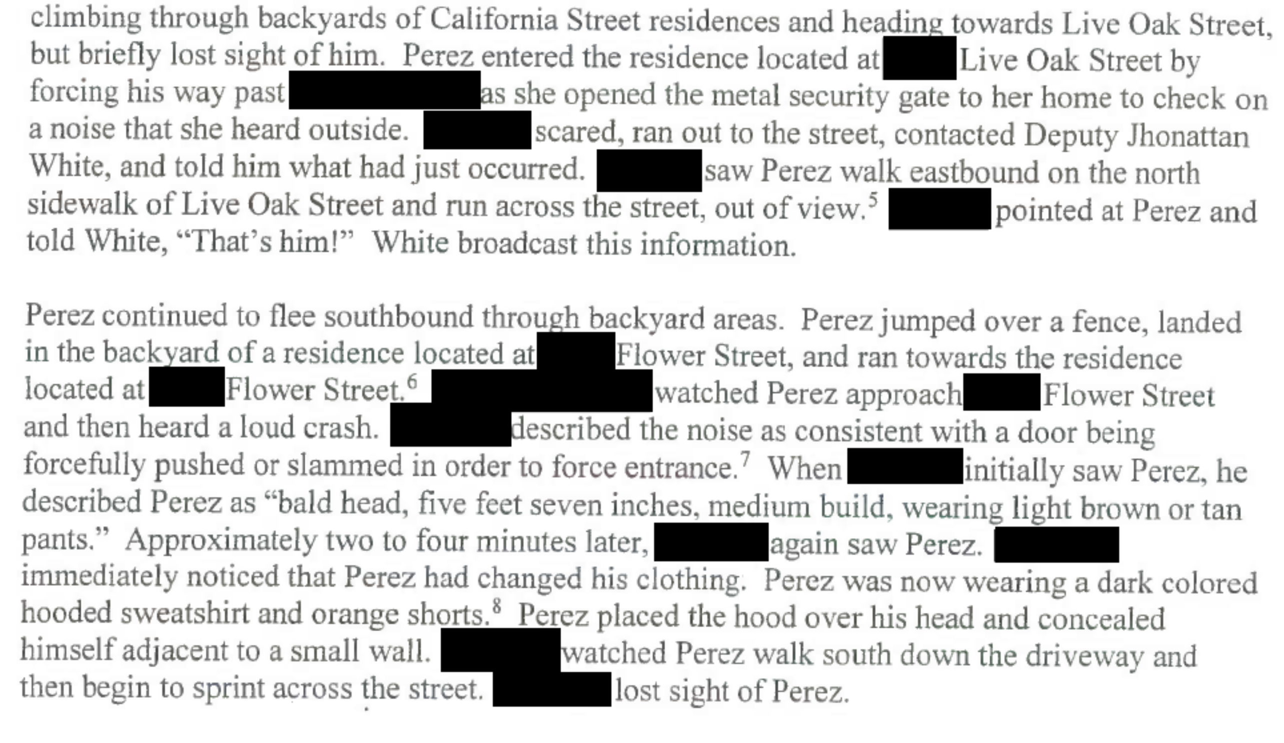
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October 2014. However, at the time of this incident, he did possess a valid driver's license. Investigators later determined that the Honda had a punched ignition, indicating that it was stolen.

[2] The investigation revealed that Perez collided with a white Acura driven by [redacted] that was proceeding southbound in the alley and fled the scene. [redacted] told deputies that the driver was a male Hispanic with a shaved head and a female Hispanic was seated in the right front passenger seat. The driver and passenger exited the car after the collision and ran eastbound. [redacted] indicated that the driver was wearing a white shirt and shorts. [redacted] did not see the man holding a gun, but believed that the man had a gun based upon his demeanor. Shortly after, [redacted] heard a woman telling someone that the man had a gun.

[3] [redacted] resides in an apartment located at [redacted] Sante Fe Avenue.

[4] Perez was 32 years old and weighed 175 pounds.


climbing through backyards of California Street residences and heading towards Live Oak Street, but briefly lost sight of him. Perez entered the residence located at [redacted] Live Oak Street by forcing his way past [redacted] as she opened the metal security gate to her home to check on a noise that she heard outside. [redacted] scared, ran out to the street, contacted Deputy Jhonattan White, and told him what had just occurred. [redacted] saw Perez walk eastbound on the north sidewalk of Live Oak Street and run across the street, out of view.[5] [redacted] pointed at Perez and told White, "That's him!" White broadcast this information.

Perez continued to flee southbound through backyard areas. Perez jumped over a fence, landed in the backyard of a residence located at [redacted] Flower Street, and ran towards the residence located at [redacted] Flower Street.[6] [redacted] watched Perez approach [redacted] Flower Street and then heard a loud crash. [redacted] described the noise as consistent with a door being forcefully pushed or slammed in order to force entrance.[7] When [redacted] initially saw Perez, he described Perez as "bald head, five feet seven inches, medium build, wearing light brown or tan pants." Approximately two to four minutes later, [redacted] again saw Perez. [redacted] immediately noticed that Perez had changed his clothing. Perez was now wearing a dark colored hooded sweatshirt and orange shorts.[8] Perez placed the hood over his head and concealed himself adjacent to a small wall. [redacted] watched Perez walk south down the driveway and then begin to sprint across the street. [redacted] lost sight of Perez.

Deputies Thomas Spinks and Eric Espinoza heard the initial broadcast regarding the stolen vehicle suspect, the update that the suspect was armed with a gun, and the description of the suspect as a bald Hispanic man. They responded in their marked black and white patrol vehicle to a request for assistance with the perimeter and took a position mid-block on Flower Street between Sante Fe Avenue and Pacific Boulevard. Spinks and Espinoza were aware that Perez was running over walls and fences and through yards, and as stated by Espinoza, "did not want to be apprehended." Due to the varying clothing descriptions, the deputies believed that Perez had been changing his clothing as he ran. After approximately one minute, both deputies heard an update that Perez was running southbound from Live Oak Street towards their location. Espinoza looked north from his position and saw Perez walking down a driveway of a residence located on the north side of Flower Street. Perez was visibly winded and "glistening with sweat."

As Perez walked toward Espinoza, Espinoza ordered Perez to "Stop right there! Get on the ground! Let me see your hands!"[9] Perez did not stop, kept his hands inside his jacket pockets, and kept walking towards Espinoza as Espinoza continued to order him to "Stop! Stop moving! Stay right there and let me see your hands!" Perez momentarily acted as if he was going to stop,

---

[5] It was later determined by investigators that Perez stole clothing from [redacted] residence.

[6] [redacted] Flower Street is the address of the rear residence located on the same property as [redacted] Flower Street.

[7] Investigators later determined that the door frame for the door leading directly to a bedroom at this location was damaged in a manner consistent with being kicked or forced inward.

[8] Later investigation revealed that Perez broke into [redacted] Flower Street while it was occupied by [redacted] her [redacted] and her [redacted] Perez stole [redacted] orange P.E. shorts, a black hooded zip up sweatshirt or jacket, and several car keys, and fled the location after changing his clothes. Perez left a pair of tan Dickies pants in the bedroom, which contained identification in his name.

[9] Spinks was at the driver's side of their car and Espinoza was on the passenger's side. Spinks initially saw Espinoza talking to someone, but did not see Perez until he walked closer to Espinoza.

but then made a "quick jerk movement" and ran southbound past Espinoza along Espinoza's right side.[10]

Perez ran across the street and into the driveway of a residence located at [redacted] Flower Street. Espinoza followed and continued to order Perez to "Stop!" and "Put your hands up!" Spinks followed Espinoza and also ordered Perez to "Stop running!" Suddenly Perez stopped running up the driveway, spun his body around to face Espinoza, and reached into his waistband with both hands. As Perez reached into his waistband, Espinoza again yelled for him to put his hands up. Believing that Perez was armed with a handgun based upon the information broadcast during this incident, Espinoza was afraid that Perez was retrieving a gun and was going to shoot him or his partner, who was standing behind him. Espinoza fired three shots at Perez. Perez fell forward onto the driveway, landing face down.

Paramedics were called and responded to the scene, where they pronounced Perez dead. On March 15, 2015, Deputy Medical Examiner Dr. Jeffrey Gutstadt, M.D. performed an autopsy on Perez' body. Perez suffered three gunshot wounds: one wound to the abdomen, one wound to the right shoulder, and one wound to the left upper back. The direction of travel in the wounds to the shoulder and back are downward and consistent with Perez bending forward at the time he was hit by gunfire.

Espinoza was armed with a Smith & Wesson MMP 9 mm pistol. The maximum capacity of this weapon is 18 total rounds. After this incident, Espinoza's duty weapon contained 15 rounds. Three cartridge casings were recovered at the scene in close proximity to Perez' body. Although Perez had been described as being armed with a black gun, a weapon was not found.

Investigators interviewed [redacted] met Perez, who she called "Jesse," on Facebook in January. On March 12, 2015, Jesse picked up [redacted] from Bobo's Hamburgers in the green Honda, which [redacted] assumed was stolen based upon the punched ignition. They planned on hanging out and smoking weed. Jesse was dressed in a grey "muscle" shirt and tan pants. As they drove, [redacted] saw the police following them and Jesse began to drive faster. [redacted] told Jesse to stop, but he did not listen to her. Jesse tried to maneuver around a car ahead of them in the alley, but there was not enough space. Jesse crashed the Honda into the other car. [redacted] climbed out of the window and Jesse told her to run, which she did. They split up and [redacted] was ultimately stopped by a deputy.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 3470. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

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[10] At some point, Perez dropped several sets of keys onto the driveway where they were recovered by investigators.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Deputy Eric Espinoza and his partner, Thomas Spinks, responded to assist in a perimeter search to apprehend Perez. At the time that he responded, Espinoza was aware that Perez had stolen a vehicle and fled to avoid being apprehended. Espinoza heard the broadcasts indicating that Perez was seen running over fences and walls in a residential neighborhood and was armed with a black gun. Espinoza also reasonably believed that Espinoza had been changing his clothing to avoid arrest based upon the information that had been broadcast.

Espinoza was told that Perez was traveling in his direction. Espinoza looked north and spotted Perez, who appeared to be sweating and out of breath. Espinoza issued multiple orders for Perez to stop and show his hands. Perez kept his hands in his jacket pockets, pretended to momentarily comply, and then ran past Espinoza, across the street and up a residential driveway. Perez suddenly turned and reached his hands toward his waistband. At that moment, Espinoza reasonably believed that Perez was reaching for a gun based upon previous information that Perez was armed with a gun, Perez' extensive efforts to avoid arrest, Perez' sudden turn to face Espinoza, and the fact that Perez reached his hands towards his waistband, a common area to conceal and carry a firearm. Forced to make a split-second decision, Espinoza fired his duty weapon three times in fear for his life and his partner's life.

We conclude that Deputy Eric Espinoza was placed in reasonable fear of imminent danger of death or great bodily injury by Antonio Perez' actions and acted lawfully in self-defense and defense of others when he used deadly force. We are therefore closing our file and will take no further action in this matter.